#### REPORTS ANALYSIS DIVISION REFERRAL

#### TO

#### OFFICE OF GENERAL COUNSEL

DATE: September 27, 2013

ANALYST: Caroline DeBerry

I. COMMITTEE:

David Alameel for Congress

C00507483

Nadya Alameel, Treasurer

5310 Harvest Hill Road, Suite 202

Dallas, TX 75230

II. RELEVANT STATUTES:

11 CFR §§ 104.3(a) and (b) 2 U.S.C. §§ 434(b)(2) and (4)

III. BACKGROUND:

#### Failure to Provide Supporting Schedules (Failure to Disclose All Financial Activity)

David Alameel for Congress ("the Committee") amended its 2011 Year-End, 2012 April Quarterly, 2012 12 Day Pre-Primary, 2012 July Quarterly, and 2012 October Quarterly Reports to disclose additional receipts of \$505,780.59 and additional disbursements of \$861,563.06, which were not disclosed in the original reports (Attachment 2).

#### 2011 Year-End Report

On January 31, 2012, the Committee filed the original 2011 Year-End Report covering the period from August 31, 2011 through December 31, 2011. The report disclosed \$0.00 receipts on Line 11(d) (Contributions from the Candidate) of the Detailed Summary Page (Image 12970339913). The report also disclosed \$6,904.52 in disbursements on Line 17 (Operating Expenditures) of the Detailed Summary Page (Image 12970339914).

On April 12, 2012, Clayton Cox, Campaign Consultant, contacted the Reports Analysis Division (RAD) Analyst for assistance in rectifying a disbursement omitted

from the 2011 Year-End Report. The Analyst verified that the Committee should amend the 2011 Year-End Report to disclose the omitted disbursement (Attachment 5).

On April 13, 2012, the Committee filed an Amended 2011 Year-End Report. The report disclosed \$3,125.00 in receipts on Line 11(d) of the Detailed Summary Page, an increase of \$3,125.00 from the original report (Image 12970932720, Attachment 3). The report also disclosed \$10,029.52 in disbursements on Line 17 of the Detailed Summary Page, an increase of \$3,125.00 from the original report (Image 12970932721).

On October 22, 2012, the Committee filed an Amended 2011 Year-End Report. The report disclosed no change in receipts or disbursements from the previous amendment (Image 12960678491).

#### 2012 April Quarterly Report

On April 15, 2012, the Committee filed an original 2012 April Quarterly Report covering the period from January 1, 2012 through March 31, 2012. The report disclosed \$0.00 in receipts on Line 11(a)(i) (Itemized Contributions from Individuals) and \$0.00 in receipts on Line 11(b) (Contributions from Political Party Committees) of the Detailed Summary Page (Image 12951444263). The report also disclosed \$592,012.37 in disbursements on Line 17 (Operating Expenditures) of the Detailed Summary Page (Image 12951444264).

On May 17, 2012, the Committee filed an Amended 2012 April Quarterly Report. The report disclosed \$55.59 in receipts on Line 11(a)(i) and \$0.00 in receipts on Line 11(b) of the Detailed Summary Page (Image 12951792144). The report also disclosed \$605,481.94 in disbursements on Line 17 of the Detailed Summary Page (Image 12951792145).

On October 5, 2012, the Committee filed an Amended 2012 April Quarterly Report. The report disclosed \$55.59 in receipts on Line 11(a)(i) and \$2,600.00 in receipts on Line 11(b) of the Detailed Summary Page, for a total increase of \$2,655.59 from the original report (Image 12972462145, Attachment 3). The report also disclosed \$608,081.94 in disbursements on Line 17 of the Detailed Summary Page (Image 12972462146).

On October 12, 2012, the Committee filed an Amended 2012 April Quarterly Report. The report disclosed no change in receipts or disbursements from the previous amendment (Image 12954344146).

On October 25, 2012, the Committee filed an Amended 2012 April Quarterly Report. The report disclosed no change in receipts from the previous amendment (Image 12961093029). The report also disclosed \$608,316.28 in disbursements on Line 17 of the

<sup>&</sup>lt;sup>2</sup> The \$3,125.00 transaction was an in-kind contribution which was added to Schedules A and B. For the violation amount calculation purposes, this is counted as a \$3,125.00 increase in receipts.

Detailed Summary Page, an increase of \$16,303.91 from the original report (Image 12961093030, Attachment 4).

#### 2012 12 Day Pre-Primary Report

On May 18, 2012, the Committee filed an original 2012 12 Day Pre-Primary Report, covering the period from April 1, 2012 through May 9, 2012. The report disclosed \$400,000.00 in receipts on Line 13(a) (Loans Made or Guaranteed by the Candidate) of the Detailed Summary Page (Image 12971228255). The report also disclosed \$1,933,665.05 in disbursements on Line 17 (Operating Expenditures) of the Detailed Summary Page (Image 12971228256).

On May 19, 2012, the Committee filed an Amended 2012 12 Day Pre-Primary Report. The report disclosed \$400,000.00 in receipts on Line 13(a) of the Detailed Summary Page (Image 12971239248). The report also disclosed \$2,004,765.05 in disbursements on Line 17 of the Detailed Summary Page (Image 12971239249).

On July 2, 2012, the Committee filed an Amended 2012 12 Day Pre-Primary Report. The report disclosed no increase in receipts from the previous amendment (Image 12952247812). The report also disclosed \$2,173,751.55 in disbursements on Line 17 of the Detailed Summary Page (Image 12952247813).

On July 15, 2012, the Committee filed an Amended 2012 12 Day Pre-Primary Report. The report disclosed \$900,000.00 in receipts on Line 13(a) of the Detailed Summary Page, an increase of \$500,000.00 from the amendment received May 19, 2012 (Image 12952449366, Attachment 3). The report disclosed no new increase in disbursements (Image 12952449367).

On August 13, 2012, a Request for Additional Information ("RFAI") was sent to the Committee referencing the Amended 2012 12 Day Pre-Primary Report, received July 15, 2012. Among other items, the RFAI requested clarification regarding the increase in receipts that were not disclosed in the original report (Image 12330010655).

On September 27, 2012, the RAD Analyst left a voice message for Mr. Cox to inform him that the Committee had an outstanding issue cited on the Amended 2012 12 Day Pre-Primary Report, received July 15, 2012, which could be referred for further Commission action (Attachment 5).

On September 28, 2012, Mr. Cox called the RAD Analyst requesting assistance. The Analyst assisted him in locating a copy of the RFAI referencing the Amended 2012 12 Day Pre-Primary Report, received July 15, 2012, on the Federal Election Commission (FEC) website. The Analyst advised the Committee to file a Miscellaneous Electronic Submission ("Form 99") explaining the increased activity disclosed on the Amended 2012 12 Day Pre-Primary Report, received July 15, 2012, which could be referred for further Commission action (Attachment 5).

On October 5, 2012, the RAD Analyst called Mr. Cox and left a message requesting the status of the Committee's amended filings (Attachment 5).

On the same day, Mr. Cox along with the candidate, Dr. David Alameel, returned the RAD Analyst's call. The Analyst advised them to proceed with filing a Form 99 explaining the increased activity disclosed on the Amended 2012 12 Day Pre-Primary Report, received July 15, 2012, to be placed on the public record (Attachment 5).

On October 5, 2012, the Committee filed a Form 99, which stated in full:

"This Form 99 filing is in response to, and pursuant to the committee's understanding gained from, a phone conversation with FEC RAD Analyst Caroline DeBerry. The phone conference took place on September 28, 2012, and was in response to two email letters from the FEC to the David Alameel for Congress candidate committee. The relevant issue which this Form 99 electronic submission addresses is the \$500,000 increase in receipts on Line 13(a) of the Detailed Summary Page of our Amended 12 Day Pre-Primary Report (4/1/12-5/9/12). This increase should have been reported in the original 12 Day Pre-Primary Report, however, it was not included due to a misfiling on our part. Upon being made aware of a negative balance existing in the original report, we reviewed our files, discovered the oversight, and amended the report to include the \$500,000 increase in funds/receipts (a loan of the candidate's personal funds). We hope this Form 99 filing resolves any and all concerns regarding this issue" (Image 12954286524).

On October 9, 2012, Mr. Cox called to update the RAD Analyst on the status of the Committee's filings. The Analyst confirmed the receipt of the Committee's Form 99, filed October 5, 2012, and informed the Committee that depending on the Committee's response, they could still be referred for further Commission action (Attachment 5).

On October 12, 2012, Mr. Cox, Nadya Alameel, Treasurer, and Dr. Alameel called the RAD Analyst to discuss the Form 99 filed regarding the increased activity on the Amended 2012 12 Day Pre-Primary Report, received July 15, 2012. The Analyst reiterated the possibility of being referred for further Commission action (Attachment 5).

On the same day, the Committee filed an Amended 2012 12 Day Pre-Primary Report. The report disclosed no change in receipts or disbursements from the previous amendment (Images 12954344196).

On October 16 and 17, 2012, Mr. Cox and Ms. Alameel called the RAD Analyst to discuss additional accounting errors beginning with the 2012 April Quarterly reporting period and affecting subsequent reporting periods. The Analyst advised the Committee to file amendments beginning with the 2011 Year-End reporting period once they resolved the accounting issues. The Analyst urged the Committee to ensure their accounting was correct. The Analyst also explained how to disclose disbursements on reports (Attachment 5).

On October 22, 2012, Mr. Cox left a message for the RAD Analyst that included an update regarding the Committee's attempts to resolve the latest accounting errors discovered. In addition, he stated he would need assistance in disclosing a negative ending balance for the 2012 12 Day Pre-Primary reporting period. The Analyst returned Mr. Cox's call and encouraged the Committee to resolve their accounting discrepancies before filing an Amended 2012 12 Day Pre-Primary Report (Attachment 5).

On the same day, Mr. Cox, Ms. Alameel, and Dr. Alameel returned the RAD Analyst's call to report that the Committee had resolved their accounting issues, among other items (Attachment 5).

On October 25, 2012, the Committee filed an Amended 2012 12 Day Pre-Primary Report. The report disclosed no change in receipts from the previous amendment (Image 12940449371). The report also disclosed \$2,205,083.00 in disbursements on Line 17 of the Detailed Summary Page, an increase of \$200,317.95 from the amendment received May 19, 2012 (Image 12940449372, Attachment 4).

#### 2012 July Quarterly Report

On July 15, 2012, the Committee filed an original 2012 July Quarterly Report, covering the period from May 10, 2012 through June 30, 2012. The report disclosed \$574,352.97 on Line 17 (Operating Expenditures) of the Detailed Summary Page (Image 12952449585).

On October 12, 2012, the Committee filed an Amended 2012 July Quarterly Report. The report disclosed no change in disbursements from the original report (Image 12972524788).

On October 25, 2012, the Committee filed an Amended 2012 July Quarterly Report. The report disclosed \$1,218,163.57 in disbursements on Line 17 of the Detailed Summary Page, an increase of \$643,810.60 from the original report (Image 12940449662, Attachment 4).

#### 2012 October Quarterly Report

On October 16, 2012, the Committee filed an original 2012 October Quarterly Report, covering the period from July 1, 2012 through September 30, 2012. The report disclosed \$438,071.95 on Line 17 (Operating Expenditures) of the Detailed Summary Page (Image 12954447541).

On October 25, 2012, the Committee filed an Amended 2012 October Quarterly Report. The report disclosed \$439,202.55 in disbursements on Line 17 of the Detailed Summary Page, an increase of \$1,130.60 from the original report (Image 12940450279, Attachment 4).

On October 26, 2012, the RAD Analyst called Mr. Cox and left a message requesting the Committee's status filing amendments. On the same day, Mr. Cox returned the Analyst's call and stated that the amendments had been filed. The Analyst advised Mr. Cox that they could not confirm at this time whether or not the Committee would be referred for further Commission action (Attachment 5).

On February 13, 2013, an RFAI was sent to the Committee referencing the Amended 2012 October Quarterly Report, received October 25, 2012. The RFAI requested clarification regarding the substantial increase in receipts and disbursements disclosed on the Amended 2011 Year-End, 2012 April Quarterly, 2012 12 Day Pre-Primary, 2012 July Quarterly, and 2012 October Quarterly Reports that were not disclosed on the original reports (Image 13330022932).

On February 20, 2013, Mr. Cox called the RAD Analyst and asked if he should file a Form 99 in response to the RFAI referencing the Amended 2012 October Quarterly Report, received October 25, 2012. The Analyst confirmed he could do so. The Analyst also explained the increased activity detailed in the RFAI (Attachment 5).

On March 13, 2013, Ms. Alameel called the RAD Analyst to ask if an amendment to the 2012 October Quarterly Report was necessary. The Analyst said the Committee should amend the report if they need to add, delete or revise any of the report transactions disclosed on the 2012 October Quarterly Report (Attachment 5).

On March 20, 2013, the Committee filed an FEC Form 99, which stated in full:

"This Form 99 is to explain changes in activity between the committees [sic] original reports and our amended ones, as referenced in letters to the campaign from the FEC on February 13, 2013. Instead of hiring and paying a single outside company to maintain operations, the campaign paid a large number of people directly for contract labor services ranging from office maintenance to canvassing. While realizing this would lead to a larger amount of activity, the magnitude and abruptness of the increase was unexpected and unprepared for. We suddenly had to prepare a gross number of checks quickly, often, and for small amounts. These disbursements comprised the majority of the activity within the campaign and ultimately monopolized our attention (majority by number of checks, not monetary value). The physical checks were written and signed by the treasurer, and then copies were filed until referenced for entry into FEC reports. Amendments to the original reports were needed due to human error resulting from deviations from this normal procedure. Such deviations led to activity occurring without our immediate knowledge and therefore incurred delayed updates to our records. The following are such occurrences, which are highlighted in the aforementioned letters from the FEC.

Amendments include three in-kind contributions totaling \$5780.59 worth of activity that was originally omitted from the 2011 Year-End and the 2012 April Quarterly reports.

Amendments include a number of automatic debits to the account; for example, specific to the amended 2012 October report, six bank fees totaling the \$1130.60.

A small number of large wire transfers were found to be omitted, including an advertising payment added to the Pre-Primary report made to Latimundo on April 26, 2012 for \$39,000.00.

On the July report, amendments were made to add wired payments to Rindy Miller Media for \$250,000.00 on May 21, 2012 and to Latimundo for \$405,000.00 on May 18, 2012.

Additionally, we believe that some of the errors are an effect of technical problems we experienced during the campaign. During the Spring of 2012, we had to restore our financial files and FEC file to a new computer, and in October of 2012, the software suddenly refused to upload an amendment. We promptly began working with both our FEC analyst and the FEC technical support team to identify and resolve all the problems. Together, we discovered that the reports on our FEC computer file and uploaded reports did not match. Ultimately, this brought additional data errors to our attention, specifically a small batch of contract labor checks was found to contain duplicate entries which were then removed.

Lastly, amendments were made to remove disbursements that were voided. Goods and services were usually secured for the campaign by a third party, but paid directly by the campaign. In these instances, the goods or services sometimes changed while payment was in transit from the treasurer to the final recipient, resulting in checks being voided by the third party consultant and thereby incurring a delayed update to our records. For example, such occurrences required the removal of a disbursement to Hyatt Regency Hotel on May 26, 2012 for \$5292.00 and also the removal of multiple contract labor checks that were voided onsite at our various offices.

As problems were discovered, we immediately began amending reports to reflect the correct activity; however, given the vast amount of activity that occurred in such a short amount of time, the corrections were often difficult to identify and correct in a timely manner" (Image 13940496210).

On May 16, 2013, Mr. Cox called the RAD Analyst. The Analyst reiterated that the Committee could not be terminated due to the referable increase in activity disclosed on the Committee's amended reports. She told the Committee they will be contacted by another FEC office. Mr. Cox said he would consult with Dr. Alameel and Ms. Alameel

to confirm the Committee had no further information to add to the public record (Attachment 5).

To date, no further communications have been received from the Committee regarding these matters.

O index 11/7/2010 - 12/31/2014 Filings from:

Committee ID:	ë		ğ	C00507483				Mult	Multi-Candidate Status/Date:	us/Date: NO				<u> </u>
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F3A 1	12P A	Σ 2	5/19/12	98	12971239246	4/1/12	5/9/12		1,618,018.84	400,160.00	2,004,765.05	13,413.79	0.00	.645,349.71
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F3A 1	12P A	7	7/15/12	218	12952449364	4/1/12	5/9/12		1,618,018.84	900,160.00	2,173,751.55	344,427.29	0.00	,145,349.71
F3A 1	12P A	۸ 10	10/12/12	219	12954344196	4/1/12	5/9/12		1,618,018,84	900,160.00	2,171,671.55	346,507.29	0.00	,145,349.71
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F3A	02 V	10	10/12/12	338	12972524785	5/10/12	6/30/12		346,507.29	928,665.07	579,859.97	695,312.39	0.00	,060,349.71
F3A (	Q2 A	•	10/25/12	336	12940449659	5/10/12	6/30/12		312,861.50	928,665.07	1,223,670.57	17,856.00	0.00	,060,349.71
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Form	Report All	≅l	Receipt Dt	Pas	Begin Image #	Beg Cvg Dt	End Cvg Dt	Lttr Mail Ot	Begin Cash	Roots	Disp	End Cash	Debts	<u>Loans</u>
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							Final Reports	Total:	4,529,955.37	4,529,955.37				

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## David Alameel for Congress (C00507483)

## Overview of Additional Receipts

Report Name	Total Additional Receipts	Line Number(s)
2011 Year-End Report/Amended 2011 Year-End Report, received 10/22/12	\$3,125.00	11(d)
2012 April Quarterly Report/Amended 2012 April Quarterly Report, received 10/25/12	\$2,655.59	11(a)(i), 11(b)
Amended 2012 12 Day Pre-Primary Report, received 5/19/12/Amended 2012 12 Day Pre- Primary Report, received 10/25/12	\$500,000.00	13(a)
Total Additional Receipts	\$505,780.59	

## Overview of Additional Disbursements

Report Name	Total Additional Disbursements	Line Number(s)
2012 April Quarterly Report/Amended 2012 April Quarterly Report, received 10/25/12	\$16,303.91	17
Amended 2012 12 Day Pre-Primary Report, received 5/19/12/Amended 2012 12 Day Pre-Primary Report, received 10/25/12	\$200,317.95	17
2012 July Quarterly Report/Amended 2012 July Quarterly Report, received 10/25/12	\$643,810.60	17
2012 October Quarterly Report/Amended 2012 October Quarterly Report, received 10/25/12	\$1,130.60	17
Total Additional Disbursements	\$861,563.06	

Total Increase in Activity on Amended Reports: \$1,367,343.65

## David Alameel for Congress (C00507483)

### Additional Receipts by Line Number

## 2011 Year-End Report / Amended 2011 Year-End Report, received 10/22/12

Report Line	2011 Year-End Report (Image 12970339913)	Amended 2011 Year- End Report, received 10/22/12 (Image 12960678493)	Variance Amount
Line 11(d): Contributions from the Candidate	\$0.00	\$3,125.00	\$3,125.00
		Total Variance:	\$3,125.00

### 2012 April Quarterly Report/Amended 2012 April Quarterly Report, received 10/25/12

		Total Variance:	\$2,655.59
Line 11(b): Contributions from Political Party Committees	\$0.00	\$2,600.00	\$2,600.00
Line 11(a)(i): Itemized Contributions from Individuals	\$0.00	\$55.59	\$55.59
Report Line	2012 April Quarterly Report (Image 12951444263)	Amended 2012 April Quarterly Report, received 10/25/12 (Image 12961093029)	Variance Amount

# Amended 2012 12 Day Pre-Primary Report, received 5/19/12/Amended 2012 12 Day Pre-Primary Report, received 10/25/12

Report Line	Pre-Primary Report, received 5/19/12 (Image 12971239248)	Primary Report, received 10/25/12 (Image 12940449371)	Variance Amount
Line 13(a): Loans Made or Guaranteed by the Candidate	\$400,000.00	\$900,000.00	\$500,000.00
	<u> </u>	Total Variance:	\$500,000.00

## David Alameel for Congress (C00507483)

## Additional Disbursements by Line Number

2012 April Quarterly Report/Amended 2012 April Quarterly Report, received 10/25/12

Report Line Line 17: Operating	2012 April Quarterly Report (Image 12951444264)	Quarterly Report, received 10/25/12 (Image 12961093030)	Variance Amount
Expenditures	\$592,012.37	\$608,316.28	\$16,303.91
		Total Variance:	\$16,303.91

Amended 2012 12 Day Pre-Primary Report, received 5/19/12/Amended 2012 12 Day Pre-Primary Report, received 10/25/12

Line 17: Operating Expenditures	12971239249) \$2,004,765.05	12940449372) \$2,205,083.00	\$200,317.95
Report Line	Amended 2012-12 Day Pre-Primary Report, received 5/19/12 (Image	Amended 2012 12 Day Pre-Primary Report, received 10/25/12 (Image	Variance Amount

## 2012 July Quarterly Report/Amended 2012 July Quarterly Report, received 10/25/12

Line 17: Operating Expenditures	\$574,352.97	\$1,218,163.57  Total Variance:	\$643,810.60 \$643,810.60
Report Line	2012 July Quarterly Report (Image 12952449585)	Amended 2012 July Quarterly Report, received 10/25/12 (Image 12940449662)	Variance Amount

## 2012 October Quarterly Report/Amended 2012 October Quarterly Report, received 10/25/12

Report Line	2012 October Quarterly Report (1mage 12954447541)	Amended 2012 October Quarterly Report, received 10/25/12 (Image 12940450279)	Variance Amount
Line 17: Operating Expenditures	\$438,071.95	\$439,202.55	\$1,130.60
		Total Variance:	\$1,130.60